

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

RAYFORD PERRY	§	
v.	§	CIVIL ACTION NO. 5:09cv134
PAMELA KIRKPATRICK, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Rayford Perry, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Perry has filed a motion for injunctive relief, stating that the defendants are conspiring to retaliate against him for using the grievance procedures and that they “conspired to arrange a marriage between me and Officer Sherry Courtney.” He also lists a series of other allegedly retaliatory acts being undertaken against him.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the request for injunctive relief be denied. The Magistrate Judge determined that Perry’s conclusory allegations were not sufficient to carry the “onerous burden of persuasion” faced by a person seeking preliminary injunctive relief, and that Perry failed to show that he had a substantial likelihood that he would prevail on the merits, nor that he faced a substantial threat of irreparable injury. The Magistrate Judge also concluded that Perry failed to show that his proposed injunction would not dis-serve the public interest, in that considerations of federalism weighed heavily against interference

by federal courts through the issuance of preliminary injunctions against state agencies. The Magistrate Judge thus recommended that Perry's request for injunctive relief be denied.

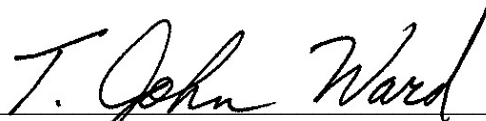
Perry received a copy of the Magistrate Judge but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in the cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 41) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for preliminary injunctive relief (docket no. 32) be and hereby is DENIED.

SIGNED this 7th day of March, 2011.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE